

REMARKS

Claims Rejection - Specification

The Examiner has requested that Applicant update the specification to clarify the status of all related applications noted in the first paragraph of the specification. Pursuant to the Examiner's request, Applicant has amended the first paragraph to clarify that co-pending U.S. Patent Application, Serial Number 10/219,656, filed August 14, 2002, has issued into U.S. Patent Number 6,719,716. Accordingly, Applicant submits that this objection has been obviated.

Claims Rejection - Specification and Claims

Claims 1, 9-11, and 13-19 were objected to for an informality relating to means-plus-function language. The Examiner requested that the Applicant amend the specification to explicitly state, with reference to the terms and phrases of the claim element, what structures, materials, and acts perform the function(s) recited in the claim element(s). Pursuant to the Examiner's request, Applicant identifies the explicit references in the specification corresponding to each of the following means-plus-function claim language:

- (a) "means for drawing and transporting fluid through cuvette"

Refer to specification, Page 14, Lines 17-18.

- (b) "means for receiving the fluid transported and irradiated through the cuvette"

Refer to specification, Page 14, Lines 11-12.

- (c) "means for enclosing the cuvette and irradiation station" when in use

Refer to specification, Page 11, Lines 3-5.

- (d) "means for energizing the fluid irradiation apparatus"

Specification, Page 12, Lines 9-20, and Page 13, Lines 1-3, are amended as provided in the substitute paragraph herein.

- (e) "means for receiving the fluid transported through the cuvette"

Duplicate of (b). Refer to specification, Page 14, Lines 11-12.

- (f) "means for transporting the fluid through the cuvette" into the means for receiving fluid

Refer to specification, Page 8, Line 20 and Page 9, Lines 1-3; and Page 10, Lines 18-19.

- (g) "means for returning the fluid back through the cuvette" from the means for receiving fluid

Refer to specification, Page 15, Lines 17-18.

(h) "means for drawing and transporting fluid through cuvette"

Duplicate of (a). Refer to specification, Page 14, Lines 17-18.

(i) "means for enclosing the cuvette and irradiation station" when in use

Duplicate of (c). Refer to specification, Page 11, Lines 3-5.

(j) "means for controlling the operation of the fluid irradiation apparatus"

Refer to specification, Page 10, Lines 10-12.

Accordingly, Applicant submits that this objection has been obviated.

Claims Rejection - 35 U.S.C. §102

Claims 1, 3-5, 8, 10-17, & 19 were rejected as being anticipated by U.S. Patent 6,951,548 to Einstein. Claim 1 has been amended to include all of the limitations of Claim 9 which the Examiner indicated would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed further in Allowable Subject Matter below, Applicant submits that Claim 1, as amended, now presents allowable subject matter.

As Claims 2-8 and 10-12 depend from independent Claim 1 which, as amended, presents allowable subject matter, Claims 2-8 and 10-12 likewise present allowable subject matter. Claim 9 was deleted.

Claim 13 has been amended to include all of the limitations of Claim 18 which the Examiner indicated would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed further in Allowable Subject Matter below, Applicant submits that Claim 13, as amended, now presents allowable subject matter.

As Claims 14-17 and 19 depend from independent Claim 13 which, as amended, presents allowable subject matter, Claims 14-17 and 19 likewise present allowable subject matter. Claim 18 was deleted.

Claims Rejection - 35 U.S.C. §103

Claims 2, 6, and 7 were rejected as being unpatentable over U.S. Patent 6,951,548 to Einstein as applied to claim 1 in view of U.S. Patent 6,113,566 to Schleicher. As Claims 2, 6, and 7 depend from independent Claim 1 which, as amended and discussed above, presents allowable subject matter, Claims 2, 6, and 7 likewise present allowable subject matter.

Allowable Subject Matter

Claims 9 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed above, Claim 9, including all of the limitations of the base claim and any intervening claims, was rewritten into independent Claim 1. Accordingly, based upon the allowable subject matter from the Examiner, Applicant submits that Claim 1, as amended, presents allowable subject matter.

As discussed above, Claim 18, including all of the limitations of the base claim and any intervening claims, was rewritten into independent Claim 13. Accordingly, based upon the allowable subject matter from the Examiner, Applicant submits that Claim 13, as amended, presents allowable subject matter.

Claims 20-22 are allowed.

Applicant submits that the application is now in condition for allowance and respectfully requests the Examiner to take such action.

If the Examiner believes that a telephone interview with Applicant's attorney would be beneficial, please do not hesitate to contact the undersigned.

Respectfully submitted,

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